



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

A.S(MD) No.128 of 2013

and

C.M.P. (MD) Nos. 7900 and 2278 of 2017

R. Seenivasan : Appellant/Defendant

.Vs.

E. Subbian : Respondent/Plaintiff

PRAYER: Appeal Suit filed under Section 96 of the Civil Procedure Code, praying this Court to set aside the judgement and decree made in O.S.No.133 of 2009, dated 29.1.2013, on the file of the Principal District Court, Virudhunagar District at Srivilliputhur by allowing this appeal suit and dismiss the suit in O.S.No.133 of 2009, on the file of the Principal District Court, Virudhunagar District at Srivilliputhur with cost.

For Appellant : M/s. J. Anandhavalli

For Respondent : M/s. V. Sitharanjandas

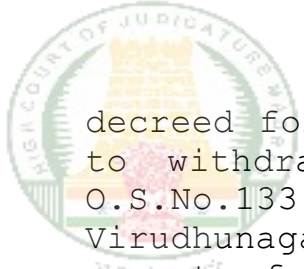
JUDGMENT

[Judgment of the Court was made by **M.M. SUNDRESH, J.**]

The suit is one for recovery of money. The suit was decreed and as against the same, the present appeal suit has been filed.

2. When the matter is taken up for hearing today, a joint compromise memo is filed, duly signed by the parties concerned, attested by their respective counsels, by which, it is agreed that a sum of Rs.25 lakhs has to be paid by the appellant inclusive of a sum of Rs.14,37,500/- deposited in the credit of O.S.No.133 of 2009, on the file of the Principal District Court, Virudhunagar District at Srivilliputhur. The joint compromise memo also states that the remaining amount will be paid within a period of eight weeks from today, failing which, decree in O.S.No.133 of 2009 would be restored.

3. Accordingly, the appeal suit is disposed of in terms of the joint compromise memo. The suit in O.S.No.133 of 2009 stands



decreed for a sum of Rs.25 lakhs and the respondent is permitted to withdraw a sum of Rs.14,37,500/- lying in the credit of O.S.No.133 of 2009, on the file of Principal District Court, Virudhunagar District at Srivilliputhur. After deducting the amount of Rs.14,37,500/-, the remaining amount will have to be paid by the appellant within a period of eight weeks from the date of receipt of a copy of this order, failing which, the decree passed by the trial Court in O.S.No.133 of 2009 got restored. We direct the said Court to issue the cheque for the above said amount of Rs.14,37,500/- to the respondent, within a period of two weeks, on filing such application by the respondent. The appellant is entitled to refund of 50% of the Court fee before this Court. The Joint Compromise Memo shall form part and parcel of the judgement. Consequently, connected Civil Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Principal District Judge,
Virudhunagar District
at Srivilliputhur.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.V.SITHARANJANDAS, Advocate SR.No.77111
+1cc to M/S.J.S.ANANDHAVALLI, Advocate SR.No.77455

vsn
MAS/GT/SAR3:20.10.2017:2P-5C

JUDGMENT MADE IN
A.S(MD)No.128 of 2013
and
C.M.P. (MD) Nos.7900 and
2278 of 2017
07.09.2017